



STATE OF DELAWARE  
DEPARTMENT OF AGRICULTURE  
DELAWARE HARNESS RACING COMMISSION  
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## Minutes of the Meeting Held May 11, 2010

The Delaware Harness Racing Commission met for a meeting  
at the Delaware State Fairgrounds, Exhibit Hall Boardroom,  
Harrington, Delaware at 10:15 AM

### *Commission Members Present*

Beth Steele, Chairman	Larry Talley, Commissioner
Robert B. Brown, Commissioner	Patt Wagner, Commissioner
George P. Staats, Commissioner	

### *Others Present*

Andrew Kerber, Deputy Attorney General	Brian Manges, Investigator
Charles Lockhart, VP of Horse Racing, D. Downs	Scott Egger, Presiding Judge
John Hensley, Sr. Dir., Horse Racing, D. Downs	Fran Swift, DTRC Investigator
Salvatore DiMario, Executive Director, DSOA	Jo-Ann Price, Paralegal
James Boese, General Manager, HRI	B.A. Davis, DHRC Licensing
Karen Craft, Facilities Manager, HRI	Annie Renzetti, DHRC Chief Veterinarian
Judy Davis-Wilson, Executive Director, DSBF	Brian J. Manges, DHRC Chief Inspector
Gene Lankford, Del Pointe	Ray Flis, Horseman
Richard R. Wier, Esq.	Cynthia Reeder, Wilcox & Fetzer
Matt Sparacino, Asst. General Manager, HRI	

### CALL TO ORDER

Upon Commission Counsel's arrival at 10:30 AM, Chairman Steele called the public session of the meeting to order and welcomed all in attendance.

### APPROVAL OF MINUTES

Commissioner Brown moved to approve the April 13, 2010 DHRC Minutes as written. Commissioner Talley seconded and the Motion passed unanimously.

### OLD BUSINESS

None offered.

### NEW BUSINESS

➤ *Public Hearing - Proposed Changes to Rule 5.1.8.7* A court reporter was present and took verbatim testimony. No written comments were received, nor were any offered from the public today; therefore Commissioner Talley moved to accept the rule as proposed, Commissioner Staats seconded; it passed unanimously. The rule will

be published in the *Register of Regulations* and will become effective 10 days later on June 11, 2010.

### ➤ *Ray Flis (license application.)*

This review was continued to the May DHRC meeting, per a request from Flis' counsel for discovery. A court reporter was present and took verbatim testimony. Richard R. Wier, Jr., Esq. represented Mr. Flis. All evidence was presented and considered; after discussion, Mr.

Kerber proposed a conditional agreement based upon DHRC Rule 5.1.1.7, in which he would be given a conditional license, stipulating that any suspension of 10 days or more, any fine of \$1,000 or more, or any ruling from any other jurisdiction would be cause to revoke his license and make him ineligible for a Delaware license for five years. At the April DHRC meeting, Mr. Flis indicated to Mr. Kerber he would accept these conditions. After further discussion, a vote from the Commissioners passed 4-1 to accept this agreement. (Commissioner Staats opposed.)

- *Rule 7.6.6.7.7 from Rules Committee (Starting gate)* The proposed rule was presented to the Commission from the Rules Committee to be inserted into the normal rule making process. Commissioner Brown made the motion to accept the language as proposed, Commissioner Staats seconded, and the Motion passed unanimously. It will be published for public comments at a later meeting.

- *Rule 5.1.8.7 from Rules Committee (independent analysis of sample)* Mr. Kerber distributed the clarifying language that was agreed in Rules Committee: that the second test was for confirmation of drugs, not for the testing of any additional substances – adding the word “drug”

will clarify that it is confirmatory testing. Commissioner Talley moved to accept the change; Commissioner Staats seconded, and the Motion passed unanimously. This correction will be sent to the Register of Regulations.

- *Rule 5.1.22 from Rules Committee (Conflict of interest)* The concern expressed in Rules Committee was that 5.1.22 was already covered in 3.1.4 with some very minor differences. The suggestion was to strike the entire provision and rely on Rule 3.1.4.1.6. Also, it was suggested to add a Section 3.1.4.6 to address the conflict of interest created when a racing official is employed by DHRC. Mr. Lockhart suggested today that 5.33 and 5.58 be added to next month’s agenda for discussion (re: the conflict between horsemen and other drivers/trainers, etc.) and suggested that Mr. Gallagher research other jurisdictions and have some input at that time. Commissioner Staats made a motion to do so; Commissioner Talley seconded, and the motion passed unanimously.

- *Reports - Administrator’s Delaware Owned Validity Issue:* Mr. Gallagher reported upon Mr. Kerber’s review and subsequent recommendation to revise the form, over 780 letters and forms were mailed out; 550 have been received back. The overwhelming

majority had no questions, only a few will require a second round of review. This regards the 20% added State money.

*Trailers:* Since the last DHRC meeting, reports have been received re: the presence of many out-of-state license plate tags on horse trailers. At the request of the Commission the tags on the trucks will be compared to the tags on the trailers. Commissioners Brown and Talley will also speak to their legislative connections, as this is a possible loss of revenue to the State.

*Blood Gas* The Radiometer blood gas machine was moved from Dove Downs to Harrington Raceway, was serviced, and is in good working order.

*Reports - Chief Veterinarian’s* Dr. Renzetti reported everything is going well: the addition of Dr. Whiston has been excellent. There were only three whipping incidents and they are making progress on educating the horsemen on this issue. A severely coliced horse was recommended to Dr. Jay Baldwin, who did battle and saved the horse’s life.

*Reports - Presiding Judge’s* None offered – all is well.

#### PUBLIC COMMENTS

None offered.

#### UPCOMING EVENTS

*DHRC Regular Meetings:*

- *June meeting:* to 06/15/10: Chairman Steele asked the meeting be changed to June 15<sup>th</sup> After

discussion, it was agreed. Mr. Kerber will check his calendar and notify Mr. Willard of the change.

- *July meeting: None.*
- *August meeting:*  
08/17/10

ADJOURNMENT TO PUBLIC  
SESSION/ ADJOURNMENT  
TO EXECUTIVE SESSION

At 12:13 PM, having no further business, Chairman Steele moved to adjourn to public session and Executive Session. Commissioner Staats seconded, and the Motion passed unanimously.

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/jmp

